

UNITED STATES DISTRICT COURT
for the
District of Nebraska

United States of America

v.

David Cress

Case No: 8:09CR419

USM No: 23415-047

Date of Original Judgment: 01/03/2011

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Richard H. McWilliams

Defendant's Attorney

**AMENDED ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 145 months is reduced to 130 months.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 01/03/2011 shall remain in effect.

IT IS SO ORDERED.

Order Date: 11/10/2015

Effective Date: _____
(if different from order date)



Judge's signature

Laurie Smith Camp, Chief U.S. District Judge

Printed name and title

This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)

David Cress

DEFENDANT: _____

CASE NUMBER: 8:09CR419

DISTRICT: District of Nebraska

I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)

Previous Total Offense Level: 29

Amended Total Offense Level: 27

Criminal History Category: VI

Criminal History Category: VI

Previous Guideline Range: 151 to 188 months

Amended Guideline Range: 130 to 162 months

II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

III. ADDITIONAL COMMENTS

The Defendant's pro se Motion to Reduce Sentence - USSC Amendment (Filing No. 75) is granted, the Defendant's Unopposed Motion to Reduce Sentence - USSC Amendment (Filing No. 81) is granted, and the parties' Stipulation regarding the Unopposed Motion to Reduce Sentence - USSC Amendment (Filing No. 82) is approved.